

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

JOE JESSE MONGE; and
ROSANA ELENA MONGE,

Case No. 19-10475-t11

Debtors.

ORDER RESULTING FROM PRELIMINARY HEARING

THIS MATTER came before the Court on February 10, 2020, for a preliminary hearing on Debtors' Motion for Expedited Hearing Regarding Reconsideration of Default Order Granting Relief and Abandonment of Property, filed January 7, 2020, doc.71 (the "Motion for Reconsideration"). Appearances were noted on the record. Being sufficiently advised, the Court finds:

A. On September 30, 2019, The Bank of New York Mellon filed a Motion for Relief from Automatic Stay for the Abandonment of Property, doc. 61 (the "Stay Motion").

B. Debtors did not respond to the Stay Motion, and the time within which they were permitted to do so expired October 24, 2019.

C. On November 6, 2019, the Court entered a default order granting the Stay Motion.

D. Debtors filed the Motion for Reconsideration on January 7, 2020, requesting that the Court set aside the default order on the ground, among others, that they did not receive notice of the Stay Motion.

E. Debtors appeared at the preliminary hearing on their Motion for Reconsideration and urged the Court to grant the relief requested therein, providing an extensive argument as to why the Stay Motion should not have been granted.

D. Having heard from the parties, the Court decided to postpone ruling on Debtors'

Motion for Reconsideration pending Debtors' submission of an affidavit stating, under penalty of perjury, why they failed to submit a timely response to the Stay Motion.

IT IS HEREBY ORDERED:

1. Deadline for Debtors to Submit Affidavit. No later than Thursday, February 20, 2020, Debtors shall file an affidavit stating, under penalty of perjury, why they failed to submit a timely response to the Stay Motion.
2. Response Deadline. The Bank of New York Mellon may file a response by March 1, 2020.
3. Resolution of the Motion for Reconsideration. The Court will postpone its ruling on the Motion for Reconsideration pending Debtors' timely affidavit and the response. Should Debtors fail to timely file an affidavit in accordance with this order, the Motion for Reconsideration shall be denied without further notice or hearing.



Hon. David T. Thuma
United States Bankruptcy Judge

Entered: February 11, 2020

Copies to:

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